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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

Defendant.

Case No. 2:16-cr-00100-GMN-CWH

UNITED STATES' MOTION TO
SEAL OR REDACT DOCUMENT
#113

THE UNITED STATES OF AMERICA submits this Motion To Seal the Document filed as Document #113 entitled "Exhibit A," or in the alternative to redact the thumbnail image contained therein. Although the thumbnail image is blurry, the title associated with the image, "Two boy-s have fun together.AVI" with a purported creation date of "5/6/2016 8:14 PM" appears to be a possible image of child exploitation. In an abundance of caution, the United States requests that the document be sealed, or that the thumbnail image be redacted from the public record. The United States has not had access to the account to have the agent review this video file or whether or not this particular Dropbox.com account had images or videos of child pornography, however, defense sent a prior email to AUSA Silva indicating that defense had accessed the Dropbox.com account, and that it did

1 contain child exploitation images. Furthermore, a CyberTip report from Dropbox.com for this
 2 account contained a video file with the same name as the image in “Exhibit A” -- “Two boy-s have
 3 fun together.AVI,” and this video file was submitted by Dropbox.com to the National Center for
 4 Missing and Exploited Children as “apparent child pornography.”

5 The United States respectfully requests that the Court enter an order sealing Document #113
 6 or redacting the thumbnail image in “Exhibit A.” If the thumbnail image is an image of child
 7 exploitation, there is a compelling government interest which necessitates the denial of access by the
 8 public to that image. The requested closure is narrowly tailored to serve that interest. *Globe*
 9 *Newspaper Co. v. Supreme Court*, 457 U.S. 596, 606-7 (1982). To prove a compelling interest, the
 10 party moving to seal all or part of a proceeding must show a substantial probability of prejudice to
 11 the defendant, the government, or to a third party, which closure would prevent. *Huminski v.*
 12 *Corsones*, 386 F.3d 116, 148-49 (2d Cir. 2004). Protecting a substantial privacy interest of a victim,
 13 or other persons, such as the extreme case of safeguarding the physical and psychological well-being
 14 of a minor sex victim qualifies as a compelling interest. *Globe*, 457 U.S. at 508-09.

15 Respectfully submitted this 24th day of October, 2016.

16 DANIEL G. BOGDEN
 17 United States Attorney

18 /s/
 19 LISA CARTIER-GIROUX
 Assistant United States Attorney

20 CERTIFICATE OF SERVICE

21 I, Lisa C. Cartier Giroux, certify that the following individual was served with a
 22 copy of the UNITED STATES’ MOTION TO SEAL OR REDACT DOCUMENT #113 on
 23 this date by the below identified method of service:

24 Electronic Case Filing

Jess R. Marchese, Esq.
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DATED: October 24, 2016

/s/
LISA CARTIER-GIROUX
Assistant United States Attorney